

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

CIVIL CASE NO. 3:16cv27 TSL-RHW

**REAL PROPERTY LOCATED AT
19 CRANE PARK, HATTIESBURG,
LAMAR COUNTY, MISSISSIPPI
WITH ALL APPURTANCES,
IMPROVEMENTS, AND FIXTURES
THEREON, *ET AL.*,**

**DEFENDANT
PROPERTY.**

UNOPPOSED MOTION FOR AUTHORITY TO SETTLE

The United States of America, by and through the United States Attorney for the Southern District of Mississippi and the undersigned Assistant United States Attorney, hereby moves the Court for authorization to arrange for the prepayment and settlement of a promissory note dated July 8, 2015, for \$2,200,000 payable to IPMSI Holdings, LLC, Series J from Shaw Properties, LLC described as asset B-026 in the First Amended Complaint and the attached Stipulated Settlement Agreement [Exhibit 1] between the United States of America and Claimants Thomas Spell, Jr. and Shaw Properties, LLC.

Counsel for the United States has conferred with Claimants' (Thomas Spell, Jr. and Shaw Properties, LLC) counsel, who have indicated that their clients do not oppose the substitution of assets.

Counsel for the United States requests relief from the obligation to file a memorandum brief in support of this motion pursuant to Rule 7(b)(4) of the Local Uniform Civil Rules of the United States District Courts for the Northern and Southern District of

Mississippi. *See* L. U. Civ. R. 7(b)(4).

Counsel for the United States requests that the stay issued in this case via the Court's Order Granting Motion to Stay Proceedings (ECF No. 162) be *temporarily* lifted solely for the filing of and consideration of the instant motion. Failure to permit the instant motion would only serve to harm the innocent party who wishes to pay off the promissory note.

Respectfully requested this 24th day of August, 2018,

D. MICHAEL HURST, JR.
United States Attorney

By: /s/ Marc A. Perez
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CERTIFICATE OF SERVICE

I hereby certify that, on this date, I caused the foregoing document to be filed electronically with the Clerk of Court, Southern District of Mississippi, using the CM/ECF filing system, which will send notification of said filing to all counsel of record.

Date: August 24, 2018

/s/ Marc A. Perez
Marc A. Perez
Assistant United States Attorney